

DRIVING UNDER THE INFLUENCE (DUI)

Background

In 1996, on an average week, Washington police officers wrote 720 citations for Driving Under the Influence (DUI) statewide. About 41 percent of all 1995 fatal crashes in the U.S. involved drinking drivers. Approximately 2 in every 5 Americans will be involved in an alcohol-related crash at some time in their lives. (All statistics taken from the Washington Traffic Safety Commission). Several states have already implemented some of the laws listed below. But taken as a whole, these bills will make Washington state a national leader in DUI prevention and punishment.

SHB 2885 - Including electronic home-monitoring as a DUI sentence option (passed Legislature)

This bill will allow courts the option of electronic home-monitoring instead of prescribed jail time for first-time DUI offenders. If the offender's blood alcohol content (BAC) level is below 0.15, the court may offer no less than 15 days of electronic home-monitoring instead of one day in jail. If an offender's BAC level is above 0.15, the courts may offer no less than 30 days of electronic home-monitoring instead of two days in jail. Local governments may submit claims for reimbursement from the state for the costs of implementing this act.

2SHB 3070 - Eliminating the five-year "wash-out" period for DUI offenses (passed Legislature)

When determining sentencing, the courts take into consideration an offender's prior DUI convictions. Under current law, a person's record is wiped clean after five years. This is known as the five-year "wash-out" period. This bill changes the five-year "wash-out" period to a seven-year "wash-out" period. Local governments may submit claims for reimbursement from the state for the costs of implementing this act.

2SHB 3089 - Limiting eligibility for the deferred prosecution program to once in a lifetime (passed Legislature)

When a person is charged with a non-felony offense, such as DUI, they may petition for "deferred prosecution," where the offender enters counseling programs instead of serving jail time. Under current law, a person convicted of DUI is not eligible for deferred prosecution more than once in a five-year period. But there is not a lifetime limit. This bill places a limit on deferred prosecution to once in a lifetime. Local governments may submit claims for reimbursement from the state for the costs of implementing this act.

ESB 6142 - Imposing administrative license suspensions on first-time DUI offenders (passed Legislature)

This bill requires a 90 day administrative license suspension for first-time DUI offenders. However, it also allows a person who has had his or her license administratively suspended to submit an application for an occupational driver's license. After 30 days, the offender may petition the court for an occupational driver's license.

ESSB 6165 - Ignition interlock devices for repeat DUI offenders (passed Legislature)

This bill, known as the Mary Johnsen Act, requires ignition interlock devices on the vehicles of repeat DUI offenders. First-time DUI offenders are required to use the ignition interlock devices for one year if they had a BAC of over .15 at the time of their arrest. For a second DUI offense, the offender must use the ignition interlock device for five years, regardless of the BAC level. A third offense brings a 10-year sentence. The court may waive the requirement in specific cases if such devices are not reasonably available in the local area. Also, this bill stipulates that drunk driving charges be filed within 21 days following an arrest.

ESSB 6166 - Increasing penalties for drunk driving (passed Legislature)

This bill adds an additional two years for each prior DUI offense to the sentence of a person convicted of vehicular homicide while under the influence of drugs or alcohol. Also, the courts are directed to consider current criminal history and driving record before allowing a deferred prosecution, dismissing a charge, or sentencing for a DUI offense.

ESSB 6187 - Licenses and identification cards (passed Legislature)

This bill generates money for local governments to enforce the 1998 DUI legislative package by increasing the fee paid by convicted drunken drivers when they re-apply for suspended licenses. The bill calls for an additional \$150. In the 1997-99 biennium, \$1.2 million will be appropriated into the county and city criminal justice accounts.

ESB 6257 - Lowering the Blood Alcohol Content level (passed Legislature)

This bill lowers the legal blood alcohol content (BAC) level from 0.10 to .08. Many states have already lowered their BAC levels, and President Clinton is now pushing for a nationwide .08 BAC level. Local governments may submit claims for reimbursement by the Legislature if this bill causes additional costs.

E2SSB 6293 - Mandating electronic home-monitoring for repeat DUI offenders (passed Legislature)

This bill mandates electronic home-monitoring for repeat DUI offenders in addition to punishments received under current law. A person convicted of DUI with a BAC of less than .15, and one prior DUI offense within five years will receive 60 days of electronic home-monitoring. With a BAC more than .15 and one prior DUI offense, the offender will receive 90 days of electronic home-monitoring. A person convicted of DUI with a BAC less than .15, but with two or more prior DUI offenses, will receive 120 days of electronic home-monitoring. With a BAC more than .15 and two or more prior DUI offenses, the offender will receive 150 days of electronic home-monitoring. The bill also says that once a habitual DUI offender's drivers license is revoked, it may not be reissued for seven years.

ESSB 6408 - Increasing DUI penalties when a passenger is in the vehicle (passed Legislature)

This bill makes committing a DUI with another person in the vehicle an aggravating circumstance that a judge can take into consideration in sentencing decisions.

ESSB 6431 - Impoundment of vehicles being operated by persons arrested for DUI (failed on third reading in the House)

This bill would have allowed law enforcement to impound the vehicle of an individual arrested for a DUI. Originally, there was a provision that subjected the vehicle to forfeiture if the driver had a prior DUI conviction. But this provision was taken out by the House Law and Justice Committee. The bill failed to pass third reading in the House on a vote of 83-14, with 1 absent.